REMARKS

I. INTRODUCTION

Claims 2, 4, 21 and 25 have been canceled. Claims 1, 3, 5, 11, 13, 15, 18-20, 22-24 and 26 have been amended. Thus, claims 1, 3, 5-20, 22-24 and 26 are now pending in the present application. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE OBJECTION TO THE DRAWINGS SHOULD BE WITHDRAWN

The drawings are objected to for omitting features recited in claim 25. *11/17/05 Office Action*, p. 2.

Claim 25 has been canceled and accordingly, the basis for rejection has been removed. Thus, it is respectfully requested that the objection to the drawings be withdrawn.

III. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 3, 5-20, 22-24 and 26 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite. *11/17/05 Office Action*, p. 2.

Claim 1 has been amended to recite that the vibration resonator is included with a vibration level switch system, as described in the specification of the present invention. *Specification*, ¶ [0032]; Fig. 1. Claim 1 had been further amended to recite a vibration level switch to remove any ambiguity as to which switch is being referred to.

Claim 3 has been amended to correctly recite "a" microprocessor, as the Examiner notes this is the first instance of this feature.

Claim 5 has been amended to remove the errand open parenthesis. The Examiner has correctly noted that the vibration resonator comprises the piezo detector crystal 2 and the excitation crystal 4. As described in the specification, the piezo detector crystal 2 is a detection crystal as recited in claim 5. *Specification*, ¶ [0035].

Claim 11 has been amended to correctly recite "a" microprocessor and "a" memory, based upon the first recitation of these features.

Claim 13 has been amended to depend from claim12, which provides proper antecedent basis for the "first allowance band."

Claim 18 has been amended to clarify that it is the vibration resonator of the vibration level switch which is excited to oscillations, as shown in Fig. 1.

Claim 19 has been amended to provide proper antecedent basis for the recited "operating test."

Claim 24 has been amended to depend from claim 23, which provides proper antecedent basis for the "first allowance bands."

In view of the above amendments, it is respectfully submitted that the claims are now in compliance with 35 U.S.C. § 112, second paragraph, and that the rejection be withdrawn.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 3, 5-7, 12-17, 19-20, 22-24 and 26 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Pat. No. 4,299,114 to Silvermetz et al. ("Silvermetz").

Claim 1 has been amended to include the limitations of canceled claim 2 and recites a method "whereby a vibration resonator of a vibration level switch system is excited by an oscillation exciting feedback circuit to oscillate, whereby at least one excitation parameter of a plurality of signal processing blocks of the feedback circuit is varied, and the resulting oscillation change is compared by a data processing unit to datasets comprising data of corresponding oscillation changes of a failure free system" and "*whereby any operational fault of the vibration level switch is determined by the deviation of the amplitude and frequency change resulting from the variation of a distinct excitation parameter from a reference data set stored in a memory, comprising changes of amplitude and frequency due to the variation of a distinct excitation parameter of a failure free system.*"

It is respectfully submitted that claim 1 is allowable and the rejection should be withdrawn. Because claims 3, 5-7 and 12-17 depend from, and, therefore include the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 19 has been amended to include the limitations of canceled claim 21 and recites a vibration level switch, "whereby the microprocessor is adapted to read and select test datasets from a memory for carrying out the operating test by changing the excitation parameters via the control lines" and "*whereby the memory is adapted to store a pair of variates comprising amplitude and frequency variates, said amplitude and frequency variates corresponding to a faultless operation of the components of the vibration level switch system.*" Thus, it is respectfully submitted that claim 19 is allowable. Because claims 20, 22-24 and 26 depend from, and, therefore include the limitations of claim 19, it is respectfully submitted that these claims are also allowable.

Claim 18 recites limitations substantially similarly to claim 1, including "whereby the response values of amplitude and frequency of the level switch sensor are compared to a pair of values stored in a memory after changing the excitation parameters corresponding to a faultless operation of the system." Thus, it is respectfully submitted that claim 18 is also allowable for at

least the reasons discussed above with reference to claim 1.

CONCLUSION

It is therefore respectfully submitted that all of now pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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